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Docket No.: 1568.1082

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Eui-Sun HONG et al.

Serial No. 10/743,866

Group Art Unit: 1745

Confirmation No. 9364

Filed: December 24, 2003

Examiner: Shermanda L. Williams

For: SECONDARY BATTERY AND MANUFACTURING METHOD THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed August 15, 2006, having a shortened period for response set to expire on September 15, 2006, the following remarks are provided.

Response to Restriction

At page 2 of the Office Action, the Examiner required restriction between the following inventions:

- I. Claims 1 - 16, drawn to a secondary battery, classified in class 429, subclass 185;
- II. Claims 17 - 32, drawn to a secondary battery, classified in class 429, subclass 170;
- III. Claims 22 - 38, drawn to a method of making a secondary battery, classified in class 29, subclass 623.2;
- IV. Claims 39 - 58, drawn to secondary battery, classified in class 429, subclass 184;
- V. Claims 59 - 66, drawn to a secondary battery, classified in class 29, subclass 623.5.

In response to the restriction requirement, Applicants elect **Group I, claims 1 – 16, with traverse.**

Applicants respectfully traverse the restriction requirement on the grounds that Examiner has not shown that there would be a serious burden for the Examiner to examine all of the claims of the application. In particular, although the groups of claims differ in particulars, the burden on the Examiner to examine all of the claims in the application is slight in comparison to the burden that would be placed on the applicant to file a separate application for each group of claims.

For example, Groups I, claims 1 – 16 and Group IV, claims 39 - 58 are clearly sufficiently related such that they clearly should be examined together, since a thorough search of a secondary battery comprising an electrode unit having a positive electrode plate, a negative electrode plate and a separator disposed therebetween; a can having a bottom portion and in which the electrode unit and an electrolytic solution are accommodated and sealed, the can comprising aluminum or an aluminum alloy; and a layer provided on at least an outer surface of the bottom portion of the can as recited by independent claim 1 would overlap to a considerable extent with a search of a battery comprising: a generation element which generates electrical power; a can having a surface made of a first material and which houses the generation element, a first terminal electrically connected to the generation element and a second terminal disposed at the surface and which is electrically connected to the generation element; and a layer provided on the surface and comprising a second material other than the first material, the second material comprising at least nickel as a main component as recited by independent claim 39.

Therefore, the restriction requirement should be withdrawn.

Conclusion

For the reasons discussed above, it is respectfully submitted that upon reconsideration of the restriction requirement, all of the pending claims should be examined in the subject application.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: Sept 14, 2006

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